

REMARKS

Claims 18-24, 31-36 and 41 are pending.

Claims 20, 23, 24, 31, 33, 34, 36 and 41 are currently amended. These various amendments are described in detail below.

No new matter is added.

Claims 18-24, 31-36 and 41 are presented for reconsideration.

Claim Rejections – 35 USC 102(b)

Claim 20 is rejected under 35 USC 102(b) as being anticipated by Wegler et al. (*Arch. Pharm.* **1937**, 275, 506-16).

Claim 20 is currently amended to delete "0" from the definition of "n". Claim 20, as currently amended, excludes n=0; therefore, claim 20 is not anticipated by Wegler et al.

Claim 23 is rejected under 35 USC 102(b) as being anticipated by Shaw et al. (*J. Amer. Chem. Soc.* **1953**, 75, 1877-81).

Claim 23 is currently amended to delete "nitro" from the definition of R1. Claim 23, as currently amended, excludes nitro from the definition of R1; therefore, claim 23 is not anticipated by Shaw et al.

Claim 36 is rejected under 35 USC 102(b) as being anticipated by Macor et al. (*Syn. Comm.* **1993**, 23(1), 65-72).

Claim 36 is currently amended to delete "nitro" from the definition of R1. Claim 36, as currently amended, excludes nitro from the definition of R1; therefore, claim 23 is not anticipated by Macor et al.

Claim 41 is rejected under 35 USC 102(b) as being anticipated by Baudouin et al. (*J. Chem. Soc. Chem. Comm.* **1986**, 1, 3-4).

Claim 41 is currently amended to delete the term “unsubstituted heterocycl” from the definition of R1. Additionally, the term “substituted heterocycl” is limited to the group consisting of unsubstituted or oxo- and/or lower alkyl-substituted imidazolidinyl, thienyl, oxazolidonyl and pyrrolidinyl. This amendment finds support in the second paragraph on page 15 of the specification. Claim 41, as currently amended, limits the term of substituted heterocycl in definition of R1 as described above; therefore, claim 41 is not anticipated by Baudouin et al.

The Applicants therefore aver that the 35 USC 102(b) rejections are addressed and overcome.

Claim Objections – Formal Matters

Claims 24, 31, 33 and 34 remain objected to because of the term “or a method for the synthesis of a tryptamine derivative comprising said process”. The term is objected to as being redundant. The Examiner suggests deleting this term.

As suggested by the Examiner, the term “or a method for the synthesis of a tryptamine derivative comprising said process” is deleted from claims 24, 31, 33 and 34. It is emphasized that this amendment does not constitute any waiver of rights and is seen not to delimit the claimed scope in any way.

The Applicants therefore aver that the claim objections due to formal matters are addressed and overcome.

The Examiner is kindly requested to reconsider and to withdraw the present rejections and objections.

Applicants submit that the present claims are in condition for allowance and respectfully request that they be found allowable.

Allowable Subject Matter/Allowed Claims

Claims 18, 19, 21, 22, 32 and 35 are allowed.

Claim 41 (in part: formulae II¹ and XII¹) is allowed.

Respectfully submitted,



for

Mervin G. Wood, Ph. D.
Agent for Applicants
Reg. No. 56,711

Mervin Stevenson
Reg. No. 46,388

Ciba Specialty Chemicals Corporation
Patent Department
540 White Plains Road
P.O. Box 2005
Tarrytown, NY 10591-9005
(914) 785-7127
MGW22814A2